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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/695,121

10/27/2003

Graham B. McCloy

SCH-00026-COA

6102

7590

11/15/2005

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EXAMINER

SEMBER, THOMAS M

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/695,121	MCCLOY ET AL.	
	Examiner	Art Unit	
	Thomas M. Sember	2875	

AK

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 23 is objected to because of the following informalities: In claim 23, line 1 "the fastener" line 1 and "the bottom" line 2 lack a positive antecedent basis.

Appropriate correction is required.

Claim 33 is objected to because of the following informalities: In claim 23, line 1 "the fastener" line 1 and "the bottom" line 2 lack a positive antecedent basis.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-22, 25-32 and 35-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Pastrick et al '654. Pastrick et al '654 (particularly figure 22) discloses a mirror housing 26 adapted to be secured to an outer surface of a motor vehicle and having a generally rearwardly facing opening. A reflective element 28 is disposed within the opening. A modular bezel 104 connected to a lower traverse surface of the housing, the modular bezel having an opening for projecting light and a holder 150 positioned in the modular bezel. A light transmitting lens 154 formed in the modular bezel 140. A light source assembly 138 located and connected to the holder inside the

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modular bezel 104 having a light source 152 connectable to the light source assembly wherein the light source generates light. The light source assembly generating light projected through the opening in the modular bezel. The light source assembly being operable to provide a light signal visible through the light transmitting lens. The opening in the bezel 104 projects rearwardly. The light source 152 generates light to provide at least one of a turn signal light, an approach light, and a vehicle side marker light (can be used as all three, see columns 1-2 and entire specification). The light source assembly 138 has a reflective inner surface (not explicitly shown in figure 22 but explicitly taught in Pastrick et al's disclosure, see figure 8, reflective element 62) being shaped to direct a maximum amount of light emitted from the light source 152 to the lens 154. The lens 154 is operative to direct light through an arc extending at least 40 degrees (see column 1, lines 55-61,). Pastrick et al teaches the angle to be up to 45 degrees) rearwardly from approximately a line passing through the minor assembly and extending perpendicular to the longitudinal axis of the vehicle. The light source is operable to provide a signal visible through the light transmitting lens 154 to a rearward motor vehicle when activated. The light source 152 generates light to provide a vehicle approach light and wherein the lens is one of red, amber, and white (as taught in column 8, lines 29-56). The light source 152 generates light to provide a vehicle side marker light and wherein the lens is one of red, amber, and white (as taught in column 8, lines 29-56.) Pastrick et al '654 doesn't mention the type of fasteners used to hold the module to bezel 116, but does indicate at column 11, line 67-column 12, lines 1-4

that when the cover member 160 and optical surface engage with flange 146 to create a water-tight engagement.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pastrick et al '654 in view of Alonzo, Jr. et al. Pastrick et al '654 discloses the claimed invention except for the teaching of a threaded fastener for attaching light module to a bezel.

Pastrick et al '654 doesn't mention the type of fasteners used to hold the module to bezel 116, but does indicate at column 11, line 67-column 12, lines 1-4 that when the cover member 160 and optical surface engage with flange 146 to create a water-tight engagement.

Alonzo Jr. et al (figure 1) teaches a threaded fastener 16 for attaching lamp module 12 to bezel 14.

It would have been obvious to one skilled in the art at the time of applicant's invention to modify the light module of Pastrick et al so as to include a threaded fastener as taught by Alonzo, Jr. et al in order to provide an effective means for attaching the light module to the bezel.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pastrick et al '654 in view of Desmond et al. Pastrick et al '654 discloses the claimed invention except for the teaching of a clip-type fastener for attaching the light module to a bezel.

Pastrick et al '654 doesn't mention the type of fasteners used to hold the module to bezel 116, but does indicate at column 11, line 67-column 12, lines 1-4 that when the cover member 160 and optical surface engage with flange 146 to create a water-tight engagement.

Desmond et al teaches a clip-type fastener 66 for attaching lamp module 40 to a bezel.

It would have been obvious to one skilled in the art at the time of applicant's invention to modify the light module of Pastrick et al so as to the clip-type fastener as taught by Desmond et al in order to provide an effective means for attaching the light module to the bezel.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the somewhat new ground(s) of rejection. Although the rejection is essentially the same the newly added limitations in applicant's amendment has caused the examiner to modify his rejection of the claims.

Regarding applicant's arguments, the applicant argues that Pastrick '654 fails to disclose a holder in a bezel. The examiner disagrees. Pastrick '654 clearly teaches a light source holder 150 positioned in a bezel 104 (as shown in figure 23).

Applicant argues that light module or modular bezel 104 is not connected to a lower traverse surface of a housing. The examiner disagrees. As shown in figures 23-24, the front of the modular bezel 104 includes an upper traverse portion (located near detail 142) which is connected and flush to a lower traverse portion of housing 26'.

The applicant argues that Alonzo fails to teach a threaded fastener that is inserted through the bottom of the modular bezel through a boss located in the modular bezel and into a corresponding boss in the mirror housing" as claimed in newly amended claims 23 and 33. However, the examiner disagrees because as shown in figure 1, Alonzo teaches a threaded fastener 16 that is inserted through the bottom (**as broadly claimed any part of the bezel can be construed as 'a bottom' because applicant never defines what direction in relation to the mirror housing 'a bottom' would be**) of the modular bezel 12 through a boss located in the modular bezel and into a corresponding boss in the mirror housing 14.

Therefore, it would have been obvious to one skilled in the art at the time of applicant's invention to modify the light module of Pastrick et al so as to include a threaded fastener as taught by Alonzo, Jr. et al in order to provide an effective means for attaching the light module to the bezel.

Finally, the examiner disagrees with applicant's argument that Pastrick et al '654 in view of Desmond fails to teach that the fastener comprises a clip-type fastener engaging the modular bezel.

Desmond et al teaches a clip-type fastener 66 for attaching lamp module 40 to a bezel.

It would have been obvious to one skilled in the art at the time of applicant's invention to modify the light module of Pastrick et al '654 so as to include the clip-type fastener as taught by Desmond et al in order to provide an effective means for attaching the light module to the bezel.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within



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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is 571-272-2381. The examiner can normally be reached on M-F 8 A.M- 5.30 p.m. first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-571-2878. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'T. M. Sember', with a stylized, cursive script.

Thomas M Sember  
Primary Examiner  
Art Unit 2875

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